



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

ROBERT W. SWANSON
DIRECTOR

STATE BOUNDARY COMMISSION

September 29, 2006

NOTICE OF FILING

2 PETITIONS FOR ANNEXATION
of territory
in Garfield Township to the City of Newaygo
(Newaygo County)

SBC Docket # 06-AR-1
SBC Docket # 06-AR-2

Dear Involved Parties and Boundary Commissioners:

This is notification that the State Boundary Commission received two petitions on September 22, 2006 requesting the annexation of certain territories in Garfield Township to the City of Newaygo.

A copy of each petition will be mailed within the next few weeks. Parties will be notified when these dockets are scheduled for the determination of legal sufficiency on the agenda of a regular monthly meeting of the Boundary Commission.

If you have any questions, please feel free to contact me directly either by telephone (517-335-3439), or by e-mail (caholme@michigan.gov).

Sincerely,

Christine A. Holmes, Manager
State Boundary Commission

NOV 27 2006



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

ROBERT W. SWANSON
DIRECTOR

November 21, 2006

STATE BOUNDARY COMMISSION
DOCKET # 06-AR-1 (8&9)

**Petition Proposing the Annexation
of territory
in Garfield Township to the City of Newaygo
(Newaygo County)**

Dear Involved Parties and Boundary Commissioners:

You recently received a notification that the above petition was filed with the State Boundary Commission. **A copy of this petition is now enclosed.**

Although no exact date has been set for the determination of legal sufficiency by the Boundary Commission, it is expected that this docket will be scheduled in the early months of the new year. The involved parties will be contacted and notified prior to scheduling this docket on the commission agenda.

If you have any questions, please feel free to contact me directly either by telephone (517-335-3439), or by e-mail (caholme@michigan.gov).

Sincerely,

A handwritten signature in cursive script that reads "Christine A. Holmes".

Christine A. Holmes
State Boundary Commission

Enclosure

LAW WEATHERS & RICHARDSON

*Professional Corporation
Attorneys and Counselors*

800 Bridgewater Place, 333 Bridge Street, N.W., • Grand Rapids, Michigan 49504-5360
Phone 616 459-1171 • Fax 616 732-1740 • www.lwr.com

Laurie J. Kelly
Direct Dial (616) 732-1764
Direct Fax (616) 913-1264
E-Mail: LaurieKelly@lwr.com

September 20, 2006

VIA FEDERAL EXPRESS

Christine A. Holmes
Commission Manager
State Boundary Commission
611 W. Ottawa Street
PO Box 30004
Lansing, MI 48909

DEPT. OF LABOR & ECONOMIC GROWTH
FILED

SEP 22 2006 06 AR 1

OFFICE OF POLICY & LEGISLATIVE AFFAIRS
STATE BOUNDARY COMMISSION

RE Annexation Petition/City of Newaygo

Dear Ms. Holmes:

Enclosed please find two Annexation Petitions and supporting documents to be filed on behalf of the City of Newaygo. Thank you and please feel free to contact me with any questions.

Very truly yours,

Laurie Kelly

Laurie J. Kelly

lkh
Enclosures

06959 (004) 316104.01

RECEIVED
DEPT. OF LABOR & ECONOMIC GROWTH

SEP 22 2006

OFFICE OF POLICY & LEGISLATIVE AFFAIRS
STATE BOUNDARY COMMISSION

PART I

DEPT. OF LABOR & ECONOMIC GROWTH
FILED

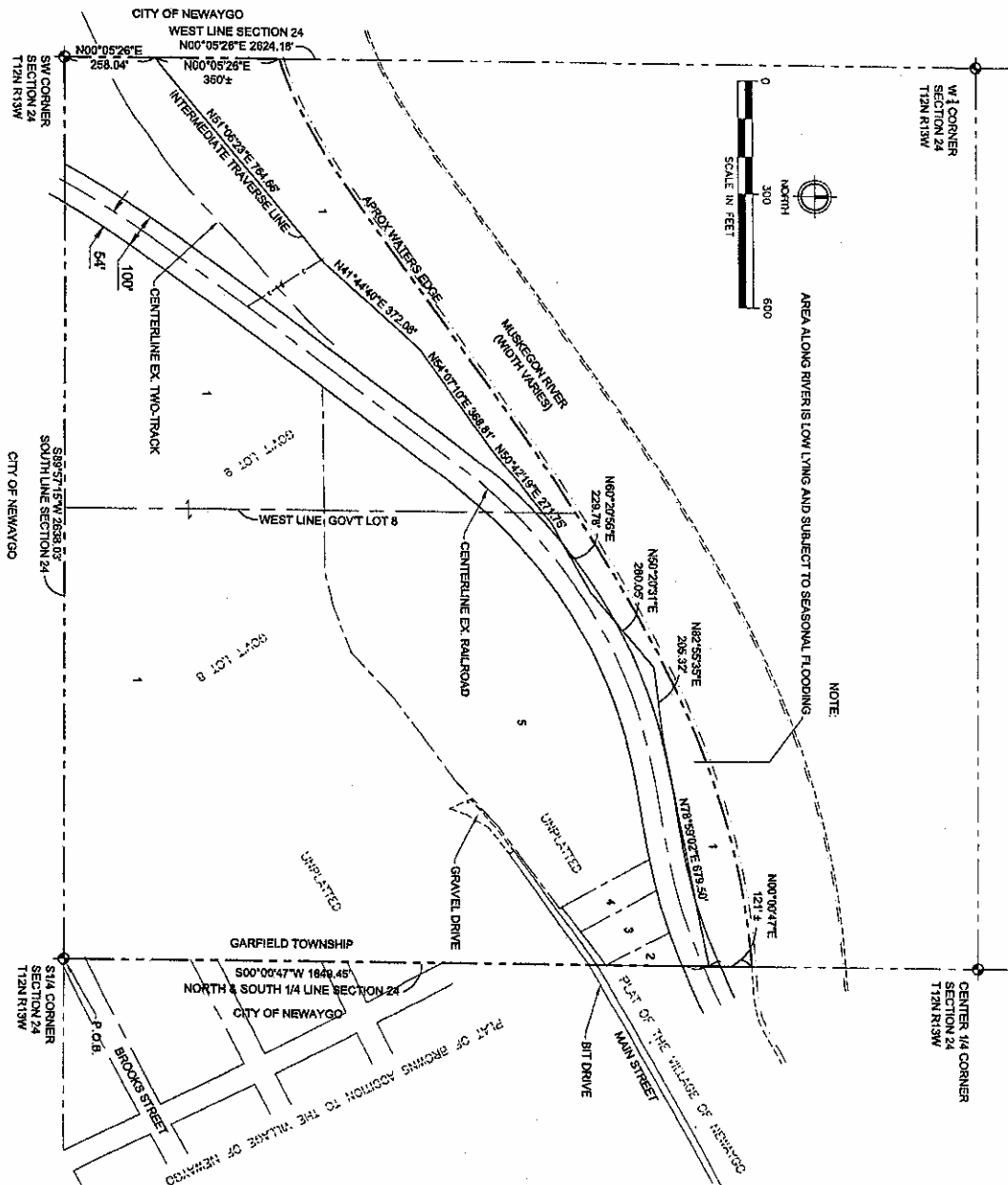
SEP 22 2006 06 AR 1

OFFICE OF POLICY & LEGISLATIVE AFFAIRS
STATE BOUNDARY COMMISSION

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 24, TOWN 12 NORTH, RANGE 13 WEST, GARFIELD TOWNSHIP, NEWAYGO COUNTY, MICHIGAN DESCRIBED AS FOLLOWS:
GOVERNMENT LOTS 8 AND 9.

#	PPN	LIBER	PAGE	ACREAGE
1	62-18-24-300-009	SERIES 1	5032	51.4*
2	62-18-24-300-007	407	6187	0.24
3	62-18-24-300-008	384	3878	0.64
4	62-18-24-300-005	367	1891	0.55
5	62-18-24-300-010	365	6950	16.06
6	RAIL ROAD	13	245 & 431	7.01

* ACREAGE UP TO BUT NOT BEYOND INTERMEDIATE TRAVERSE LINE



FLEIS & VANDENBRINK ENGINEERING, INC.

ANNEXATION MAP

GARFIELD TOWNSHIP

3065Denneth 212

CITY OF NEWAYGO

SECTION 24, TOWN 12 NORTH, RANGE 13 WEST

GARFIELD TOWNSHIP, NEWAYGO COUNTY, MICHIGAN

9/8/2006

ANNEXATION BY COUNCIL RESOLUTION

PART II

To the State Boundary Commission:

We, the duly elected legislative body of the City of Newaygo, having passed a resolution (in PART IV) asking for the annexation of the territory described herein (in PART III), do petition that the described territory in Garfield Township, Newaygo County, be considered by your commission for annexation, in accordance with the provisions of Public Act 279 of 1909, as amended, and the provisions of Public Act 191 of 1968, as amended.

DEPT. OF LABOR & ECONOMIC GROWTH
FILED

SEP 22 2006 06 AR 1

OFFICE OF POLICY & LEGISLATIVE AFFAIRS
STATE BOUNDARY COMMISSION

ANNEXATION BY COUNCIL RESOLUTION

PART IIa

As petitioner, it is your responsibility to furnish the State Boundary Commission the names, addresses and telephone numbers of persons and governmental bodies that will be noticed for Commission meetings and hearings. The importance of accurate and current information cannot be overemphasized. Processing of this petition may be delayed if inaccuracies cause improper notice.

1.

Name of City: Newaygo	
Name of City Clerk: Jon Schneider	
Mailing Address: 28 N. State Rd., PO Box 308	
Newaygo, MI 49337-0308	
Telephone Number: (231) 652-1657	Fax: (231) 652-1650

2.

Name of Township: Garfield	
Name of Township Clerk: Arlene Grabill	
Mailing Address: 7190 Bingham Ave.	
Newaygo, MI 49337-9117	
Telephone Number: (231) 652-4251	Fax: (231) 652-4207

3.

Name of County: Newaygo	
Name of County Clerk: Laurel Breuker	
Mailing Address: 1087 Newell Street, PO Box 885	
White Cloud, MI 49349	
Telephone Number: (231) 689-7235	Fax: (231) 689-7241

4. If the petition should involve more than one township, county and/or village, place additional township, county and/or village information on separate sheet and attach to this form.

DEPT. OF LABOR & ECONOMIC GROWTH
FILED

SEP 22 2006 06 AR 1

OFFICE OF POLICY & LEGISLATIVE AFFAIRS
STATE BOUNDARY COMMISSION

ANNEXATION BY COUNCIL RESOLUTION

PART III

The territory proposed for annexation to the City of Newaygo is described as follows:

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF
SECTION 24, TOWN 12 NORTH, RANGE 13 WEST, GARFIELD TOWNSHIP,
NEWAYGO COUNTY, MICHIGAN AND DESCRIBED AS FOLLOWS:

GOVERNMENT LOTS 8 AND 9.

DEPT. OF LABOR & ECONOMIC GROWTH
FILED

SEP 22 2006 06 AR 1

OFFICE OF POLICY & LEGISLATIVE AFFAIRS
STATE BOUNDARY COMMISSION

RECORDED IN DEEDS

SERIES I NO. 5032

STATE OF MICHIGAN

COUNTY OF NEWAYGO

O'CLOCK P. M.

RECORDED 16th DAY OF

Jan. A. D. 19 78 AT 1

894 (Rev. 1967)
 QUIT-CLAIM DEED - STATUTORY FORM
 BOWLING GREEN, O. & CO., KALAMAZOO, MICH.

SPACE ABOVE FOR REAL ESTATE TRANSFER STAMP

REGISTER OF DEEDS

Ruby Baumann

This Indenture, Made January 14, 19 78

WITNESSETH, That CLIFFORD PUFF and wife, BARBARA PUFF, of Newaygo, Michigan,

 DEPT. OF LABOR & ECONOMIC GROWTH
 FILED

SEP 22 2006 06 AR 1

in consideration of \$1.00

 CONVEY AND QUIT-CLAIM to FRANK C. CHRISTIANSON
 and wife, CARLA R. CHRISTIANSON, of Newaygo, Michigan,

 OFFICE OF POLICY & LEGISLATIVE AFFAIRS
 STATE BOUNDARY COMMISSION

 the following described lands and premises situated in Township of Garfield,
 County of Newaygo and State of Michigan, viz:

Part of Lots 8 and 9 of Section 24, Township 12 North, Range 13 West,
 commencing at the intersection of the East line of Lot 8 with the
 Easterly line of right of way of Chesapeake and Ohio Railway Company,
 thence Southwesterly along said right of way 738.3 feet, this being
 the place of beginning;
 thence South 31° 07' East 468.6 feet,
 thence South 48° 34' 09" West 110.5 feet,
 thence South 70° 36' 27" West 146.65 feet,
 thence South 78° 28' 07" West 102.45 feet,
 thence North 80° 55' 47" West 611.91 feet to the Easterly line of
 said railway right of way,
 thence Northeasterly along said right of way 829.53 feet to place
 of beginning, containing 6.66 acres, more or less.

Also a right of way over a strip of land 66 feet in width, the
 center line of which is described as commencing at the intersection
 of the East line of said Lot 8 and the Easterly line of said railway
 right of way, thence South 1° 45' West 258.3 feet, thence South
 54° 52' West 487.5 feet, this being the place of beginning,
 thence Westerly on a line 33 feet Southerly of, and parallel with,
 the Southerly line of the parcel above conveyed, to said railway
 right of way.

Also a right of way over a strip of land 33 feet wide, the Westerly
 line of which is the Easterly line of the parcel above conveyed.

Signed in Presence of

Signed on the Date first above written

 * *S. K. Riblet*
 * S. K. Riblet

 * *Clifford Puff*
 * Clifford Puff

 * *Merney C. Riblet*
 * Merney C. Riblet

 * *Barbara Puff*
 * Barbara Puff

STATE OF MICHIGAN.

ss.

COUNTY OF Newaygo

On January 14, 1978, before me, a Notary Public, in and for said County, personally appeared
 Clifford Puff and wife, Barbara Puff,
 to me known to be the same person S described in and who executed the within instrument, who
 acknowledged the same to be their free act and deed.

3. Drafted by:
 S. K. Riblet,
 White Cloud, Mich. 49349

* *S. K. Riblet*
 S. K. Riblet, Notary Public,
 Newaygo, County, Michigan.
 My Commission expires February 19, 19 78.

SEE FOOT NOTES ON OTHER SIDE



FLEIS & VANDENBRINK ENGINEERING, INC.

Offices in Grand Rapids, Traverse City, and Muskegon

DEPT. OF LABOR & ECONOMIC GROWTH
FILED

September 7, 2006

SEP 22 2006 06 AR 1

OFFICE OF POLICY & LEGISLATIVE AFFAIRS
STATE BOUNDARY COMMISSION

State Boundary Commission

RE: City of Newaygo Annexation Section 24, Town 12 North, Range 13 West

The purpose of this letter is to clarify the title situation of PP# 62-18-24-300-009. After independent and separate investigations we were unable to come up with a valid deed that matched the tax description for this parcel.

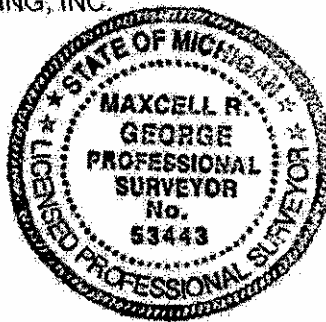
Current physical possession seems to match the information in the tax description, but the deed does not. The current physical ownership, as best we can determine through the survey fieldwork done to date and discussions with the City of Newaygo is correctly depicted in the map provided by Fleis & VandenBrink Engineering, Inc. to the City for the Annexation and dated June 8, 2006.

Sincerely,

FLEIS & VANDENBRINK ENGINEERING, INC.

Max George, PS

Max George, PS
Survey Manager



STATE OF
MICHIGAN

NEWAYGO COUNTY
MAY 27, 2004
RECEIPT # 16068



REAL ESTATE
TRANSFER TAX

\$ 137.50-CO
\$ 537.50-ST
STAMP # 8183



LIBER 407

PAGE 6197

LINDA M. LANDHEER
NEWAYGO COUNTY
REGISTER OF DEEDS OFFICE
27 MAY 2004 10:58:18 AM
RECEIVED & RECORDED

White Cloud, MI 51210 I certify that there are no
property tax liens or taxes paid by the State or any individual
against the within description, and all taxes on same are paid
for five years previous to the date of this instrument as appears
by the records in my office. This does not cover taxes in
process of collection by Township, City, or Village.
John A. Hall County Treasurer

WARRANTY DEED

Metropolitan Title Company (For Plat/Condominium) **Statutory Form**

Know All Persons by These Presents: That C. Douglas Day and Karen M. Day, Trustees of The Doug and Karen Day Trust, under agreement dated December 30, 2003.

whose address is 483 W. Main Street, Newaygo, Michigan 49337

Convey(s) and Warrant(s) to Hank Davis and Phyllis Davis, husband and wife

whose address is 4921 East 36th, Newaygo, Michigan 49337

the following described premises situated in the City of Newaygo County of Newaygo and State of Michigan, to-wit:

(See Attached Rider)

More commonly known as: 483 W. Main St.

For the full consideration of: One Hundred Twenty Five Thousand and 00/100 Dollars (\$125,000.00)

Subject to: Building and use restrictions, reservations, and easements of record.

DEPT. OF LABOR & ECONOMIC GROWTH
FILED

SEP 22 2006 06 AR 1

OFFICE OF POLICY & LEGISLATIVE AFFAIRS
STATE BOUNDARY COMMISSION

Dated this 24th day of May, 2004

Witnesses:

Signed by:

The Doug and Karen Day Trust, under
agreement dated December 30, 2003

C. Douglas Day
By: C. Douglas Day, Trustee

Karen M. Day
By: Karen M. Day, Trustee

State of Michigan
County of Newaygo

Nicole A. Hall
Notary Public Nicole A. Hall
Commission Expires: 11-07-05
County in Michigan: Newaygo
Acting in Newaygo

The foregoing instrument was acknowledged before me this 24th day
of May, 2004 by C. Douglas Day and Karen M. Day, Trustees of
The Doug and Karen Day Trust, under agreement dated December
30, 2003, on behalf of the said trust.

Drafted by:
C. Douglas Day
Assisted by: Metropolitan Title Co.
483 W. Main Street
Newaygo, Michigan 49337

Return to:
Hank Davis
483 W. Main Street
Newaygo, Michigan 49337

Send Tax Bills to:
Hank Davis
483 W. Main Street
Newaygo, Michigan 49337

Recording Fee: \$15.00
File Number: N362519E
Tax Parcel No.: 62-18-24-422-001 and 62-18-24-300-007

State Transfer Tax: \$937.50
County Transfer Tax: \$137.50

Attached to and becoming a part of document dated May 24, 2004.

LEGAL DESCRIPTION

Land situated in the City of Newaygo, County of Newaygo, State of Michigan, described as follows:
 Lots 7, 8 and 9 of Block 1 of the Village of Newaygo, according to the recorded plat thereof. Also: Part of the
 Government Lot 8, Section 24, Township 12 North, Range 13 West, City of Newaygo, Newaygo County, Michigan,
 Beginning where the East line of Government Lot 8 intersects the Easterly line of the Chesapeake and Ohio Railway
 right of way; thence South $01^{\circ}45'$ West 217.0 feet; thence North $28^{\circ}17'$ West 209.9 feet to said line of Chesapeake
 and Ohio Railway right of way; thence Northeasterly along said Railway right of way 110.9 feet to Place of
 Beginning.

Tax Parcel Number: 62-18-24-422-001 and 62-18-24-300-007
 All
 UB

DEPT. OF LABOR & ECONOMIC GROWTH
 FILED

SEP 22 2006 06 AR 1

OFFICE OF POLICY & LEGISLATIVE AFFAIRS
 STATE BOUNDARY COMMISSION

File Number: N362519E

STATE OF
MICHIGAN
NEWAYGO COUNTY
JULY 5, 2001
RECEIPT #1941



REAL ESTATE
TRANSFER TAX
\$ 93.58-00
\$ 637.58-57
STAMP # 2572

RECORD OF DEEDS OFFICE
NEWAYGO COUNTY
MICHIGAN

UBER 384

PAGE 3978

LINDA M. LANDHEER
NEWAYGO COUNTY
REGISTER OF DEEDS OFFICE
5 JUL 2001 4:59:28 PM

Write Cloud, MI 2/5/01. I certify that there are no
Tax Liens or liens held by the state or any individual against the
within description, and all taxes on same are paid for five years
previous to the date of this instrument as appears by the
records in my office. This does not cover taxes in process of
collection by Townships, Cities, or Villages.
John J. Smith County Treasurer

WARRANTY DEED 62-18-24-300-006 *11*
(Unplatted Land) Statutory Form

Metropolitan Title Company

Know All Persons by These Presents: That Donald R. Rathbun and Gladys M. Rathbun, husband and wife and David J. Rathbun and Mary Rathbun, husband and wife, as joint tenants with full rights of survivorship whose address is 10455 SW 64th Court, Ocala, Florida 34476

Convey(s) and Warrant(s) to Bruce W. Bumstead and Annette L. Bumstead, husband and wife whose address is 297 Barton Street, Newaygo, Michigan 49337

the following described premises situated in the Township of Garfield County of Newaygo and State of Michigan, to-wit: A parcel of land situated in Government Lot 8, Section 24, Township 12 North, Range 13 West described as: Beginning South 1°45' West 217.0 feet from where the East line of Government Lot 8 intersects the Easterly line of the Chesapeake and Ohio Railway Right-of-Way; thence South 54°52' West 120.0 feet; thence North 28°17' West 258.0 feet to said line of Chesapeake and Ohio Railway Right-of-Way; thence Northeasterly along said Railway Right-of-Way 123.8 feet; thence South 28°17' East 209.9 feet to the place of beginning.
More commonly known as: 587 Main Street West

For the full consideration of: Eighty Five Thousand and 00/100 Dollars (\$85,000.00)

Subject to: Building and use restrictions, reservations, and easements of record.

If the property conveyed is unplatted, the following applies:

The grantor grants to the grantee the right to make _____ division(s) under section 108 of the land division act, Act No. 288 of the Public Acts of 1967. (If no number is inserted, the right to make divisions stays with the portion of the parent tract retained by the grantor; if all of the parent tract is conveyed, then all division rights are granted.) This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act.

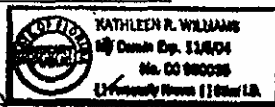
Dated this: 29th day of June, 2001

Witnesses:

Kathleen R. Williams
KATHLEEN R. WILLIAMS

Gladys M. Rathbun
Gladys M. Rathbun

State of Florida
County of Marion



Signed by:

Donald R. Rathbun
Donald R. Rathbun

Gladys M. Rathbun
Gladys M. Rathbun

David J. Rathbun
David J. Rathbun

Mary M. Rathbun
Mary Rathbun

Kathleen R. Williams
Notary Public

Commission Expires: 11-5-04
County in Florida: CC 980035

The foregoing instrument was acknowledged before me this 29th day of June, 2001 by Donald R. Rathbun and Gladys M. Rathbun, husband and wife and David J. Rathbun and Mary Rathbun, husband and wife, as joint tenants with full rights of survivorship

Drafted by:
Donald R. Rathbun
Assisted by: Metropolitan Title Co.
Assisted by Metropolitan Title Company Newaygo, Michigan 49337
24 E. Main St., Fremont, MI 49412

Return to:
Grantee
587 Main Street

Send Tax Bills to:
Grantee
587 Main Street
Newaygo, Michigan 49337

Recording Fee: \$10.00
File Number: N224597E
Tax Parcel No.: 62-18-24-300-006

State Transfer Tax: \$637.50
County Transfer Tax: \$93.50

DEPT. OF LABOR & ECONOMIC GROWTH
FILED

SEP 22 2006 06 AR 1

STATE OF
MICHIGAN



REAL ESTATE
TRANSFER TAX

NEWAYGO
10 JUN 97
1

\$ 33.00-CO*
\$ 0.00-ST*
#100005110 *

LIBER 367 PAGE 1691

NEWAYGO COUNTY
DEPT. OF DEEDS
LINDA M. BROWN

'97 JUN 18 AM 10 13

Linda M. Brown

White Cloud, Mich, 6/18/97 certify that there are no tax liens or titles held by the State or any individual against the within description, and all taxes on same are paid for five years previous to the date of this instrument as appears by the records in my office. This does not cover taxes in process of collection by Townships, Cities or Villages.
Carlton D. Jackson County Treasurer

WARRANTY DEED

The Grantor, EUGENE M. SORDEN and ELAINE J. SORDEN, husband and wife, of 43 East State Street, Grant, Michigan 49327 ("Grantor") CONVEYS AND WARRANTS to CHARLES D. BENHAM and LOIS J. BENHAM, husband and wife, of 625 Main, Newaygo, Michigan 49337 ("Grantee"), property situated in Garfield Township, Newaygo County, Michigan, described as:

62-18-24-300-00S All km
Part of Lot 8, Section 24, Township 12 North, Range 13 West, described as commencing at intersection of the East line of said Lot with the Southerly line of the right-of-way of Chesapeake and Ohio Railway Company; thence South 1°45' West 217 feet; thence South 54°52' West 120 feet, this being the place of beginning; thence South 54°52' West 90 feet; thence North 28°17' West 295.8 feet to said line of right-of-way; thence Easterly along same 93.6 feet; thence South 28°17' East 258 feet to the place of beginning. ALSO the right to use the road 4 rods in width adjoining the Southerly line of said premises;

in consideration of Thirty Thousand Dollars (\$30,000) subject to easements, reservations and restrictions of record.

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors and other associated conditions may be used and are protected by the Michigan right to farm act.

Grantor does not warrant against easements, restrictions, liens or encumbrances created or suffered by acts or omissions of parties other than Grantor since March, 7, 1985, the date of a Land Contract between Grantor and Grantee evidenced by Memorandum of Land Contract recorded in Series Q, No. 1972, Newaygo County Records, pursuant to which this deed is given.

EXEMPT FROM STATE TRANSFER TAX UNDER MCL 207.526(r).

DEPT. OF LABOR & ECONOMIC GROWTH
FILED

SEP 22 2006 06 AR 1

Dated this 16th day of June, 1997.

WITNESSES:

Karen J. Sorden
Karen J. Sorden
* Juanita V Myers
Juanita V Myers
Karen J. Sorden
Karen J. Sorden
* Juanita V Myers
Juanita V Myers
STATE OF MICHIGAN)
COUNTY OF NEWAYGO) ss.

GRANTOR:

Eugene M. Sorden
Eugene M. Sorden
Elaine J. Sorden
Elaine J. Sorden

The foregoing instrument was acknowledged before me this 16th day of June, 1997, by Eugene M. Sorden and Elaine J. Sorden, husband and wife.

Karen J. Sorden
Karen J. Sorden, Notary Public
Newaygo County, Michigan
My Commission Expires: 09/28/01

DRAFTED BY:

David L. Jarvis
Legal Assistant
Miller, Canfield,
Paddock and Stone, P.L.C.
1200 Campau Square Plaza
99 Monroe Avenue, N.W.
Grand Rapids, MI 49503

WHEN RECORDED RETURN TO AND SEND
FUTURE TAX BILLS TO:

GRANTEE

County Transfer Tax: \$33.00
Recording Fee: \$12.00

DEPT. OF LABOR & ECONOMIC GROWTH
FILED

SEP 22 2006 06 AR 1

OFFICE OF POLICY & LEGISLATIVE AFFAIRS
STATE BOUNDARY COMMISSION

02-10-24-300-010700
RECORDED IN DEEDS

LIBER 365 PAGE 6950

NEWAYGO COUNTY
REGISTER OF DEEDS
MARLENE TOOGOOD

QUIT-CLAIM DEED-SHOW-893 - (Rev. 1967)
(PHOTO COPY FORM) THE REGISTRY, INC., FLINT, MICHIGAN

SPACE ABOVE FOR REAL ESTATE TRANSFER STAMP

96 DEC 12 PM 2 47

THIS INDENTURE, made November 22, 1996
BETWEEN Barney Malone and wife Wanda Malone and Michael R. Malone and
wife Glenna Malone

Marlene Toogood

whose address is 645 Main Street, Newaygo, MI 49337

of the first part,

Barney Malone and wife Wanda Malone
whose address is 645 Main Street, Newaygo, MI 49337

of the second part,

Witnesseth, That the said party of the first part, for and in consideration of

to him in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, does by these presents grant,
bargain, sell, remise, release and forever QUIT-CLAIM unto the said party of the second part, and to his heirs and assigns, FOREVER, all that
certain piece of land situated in the Township of
Garfield in Newaygo County, and State of Michigan, and described as follows:

Part of Government Lots 8 and 9 of Section 24, Town 12 North, Range 13 West, commencing at the intersection of the East line of Lot 8 with the Easterly line of right of way of Chesapeake and Ohio Railway Company; thence Southwesterly along said right of way 738.3 feet, this being the place of beginning; thence South 31 degrees 07 minutes East 468.6 feet, thence South 48 degrees 34 minutes 09 seconds West 110.5 feet, thence South 70 degrees 36 minutes 27 seconds West 146.65 feet, thence South 78 degrees 28 minutes 07 seconds West 102.45 feet, thence North 80 degrees 55 minutes 47 seconds West 611.91 feet to the Easterly line of said railway right of way, thence Northeasterly along said right of way 829.53 feet to the place of beginning.

This deed is exempt from State Transfer tax pursuant to the provisions of Section 6(a) Act 330, Public Acts of 1993 as amended.

This deed is exempt from County Transfer tax pursuant to the provisions of Section 5(a) Act 327, Public Acts of 1968 as amended.

DEPT. OF LABOR & ECONOMIC GROWTH
FILED

SEP 22 2006 06 AR 1

OFFICE OF POLICY & LEGISLATIVE AFFAIRS
STATE BOUNDARY COMMISSION

Together with all and singular the hereditaments and appurtenances therunto belonging or in anywise appertaining: to have and to hold the said premises to the said party of the second part, and to his heirs and assigns, to the sole and only proper use, benefit and behoof of the said party of the second part, his heirs and assigns, FOREVER.

(When applicable, pronouns and relative words shall be read as plural, feminine or neuter, respectively.)

In Witness Whereof, The said party of the first part has hereunto set his hand the day and year first above written.

Signed, Sealed and Delivered in Presence of

Donna Stray
Donna Stray

Marla Thompson
Marla Thompson

Barney Malone
Barney Malone

Wanda Malone
Wanda Malone

Michael R. Malone
Michael R. Malone

Glenna Malone
Glenna Malone

STATE OF MICHIGAN, ss.

COUNTY OF Newaygo

On November 22, 1996

Barney Malone and wife Wanda Malone and Michael R. Malone and wife Glenna Malone

to me known to be the same person as described in and who executed the within instrument, who acknowledged the same to be their free act and deed.

Wanda Malone
645 Main Street
Newaygo, MI 49337

Donna Stray
Notary Public,

Donna Stray
Notary Public, Newaygo County, Michigan
My Commission Expires Oct. 22, 2000

County, Michigan,

SEE FOOTNOTES ON OTHER SIDE

Liber 13 of deeds pg 245

party of the second part, and to their assigns forever - And the said party of the first part for himself and his heirs do covenant and agree that he will warrant and defend the above granted Right of Way in the perpetual and quiet possession of the said party of the second part, and their assigns forever - The above grant is subject, nevertheless, to the condition that the said party of the second part shall build and put in running order that portion of their Road which passes over the above mentioned strip of land, within two years from the date of this Indenture, and on breach of such condition, the Right of Way hereby granted shall cease, and thereafter be defeated and held for naught - In Witness Whereof, The said parties of the first part have hereunto set their hands and seals this day and year first above written - *Chas. Simmons* *Amelia Simmons*
Signed, sealed and delivered in presence of *William D. Fuller* - Sanford Brown -

State of Michigan }
County of Washtenaw }
On this 5th day of August in the year one thousand eight hundred and seventy one before me the Subscriber a Notary Public for said County, personally appeared *Chas. H. Simmons* & *Amelia Simmons* his wife to whom I know to be the same persons described in, and who executed the within instrument, who severally acknowledged the same to be their free act and deed; and the said *Amelia Simmons* wife of the said *Chas. H. Simmons* on a private examination by me, separate and apart from her said husband, acknowledged that she wrote the same freely, and without any fear or compulsion from any one -
William D. Fuller Notary Public Washtenaw Co -

Lewis Eckhardt & wife
to
L. R. M. & L. S. R. R. Co.

This Deed was received for Record
Nov 11th 1871 at 2 o'clock P.M.

W. Parsons, Register.

This Indenture, made this 5th day of September A.D. 1871, between *Lewis Eckhardt* and *Melissa Eckhardt* his wife of the Village of Washtenaw in the County of Washtenaw and State of Michigan, the first part, and the *London & Lake Shore Rail Road Co* of the second part, Witnesseth that the said party of the first part, in consideration of the sum of One Dollar to them in hand paid, the receipt whereof is hereby acknowledged, do grant, bargain, sell and confirm unto the said party of the second part, and to their assigns, forever, a Right of Way in and over a certain strip of land situate lying and being in the County of Washtenaw and State of Michigan and being a strip of land one hundred feet wide, lying fifty feet in width on each side of the said Rail Road Company's located line as now stretched out over various Lot nine (9) of Section Twenty four (24) and thirty six (36) acres front off the West side of Lot Eight (8) in said section and all in Township Twelve (12) North of Range Thirteen (13) West before being made for more certain description of said strip to the map of the Route of said Company on file in the Office of Register of Deeds for the Counties of Kent, Oksego, and Washtenaw respectively - For the said party of the second part and their assigns, and their servants and agents to build, construct and maintain a Railroad in and over said strip of land, and at all times freely to pass and repass by themselves, their servants, agents and employes, with their engines, cars, horses, cattle, carts, wagons and other

DEPT. OF LABOR & ECONOMIC GROWTH
FILED

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OFFICE OF POLICY & LEGISLATIVE AFFAIRS
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246

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vehicles, and to transport freight and passengers and to do all other things properly connected with or incident to the location, building, main-
 taining, and running the said road, and to use the earth and other
 material within said strip of land, for that purpose to have and to hold
 the said easements and privileges to the said party of the second part,
 and to their assigns forever. And the said party of the first part for
 himself and his heirs, does covenant and agree that he will warrant
 and defend the above granted Right of Way in the peaceable and quiet
 possession of the said party of the second part, and their assigns, forever.
 The above grant is subject, nevertheless, to the condition that the said party
 of the second part shall build and put in running order that portion of
 their Road which passes over the above mentioned strip of land, within
 two years from the date of this Indenture, and on breach of such con-
 dition, the Right of Way hereby granted shall cease, and thereafter be
 defeated and held for naught. In Witness Whereof, The said
 parties of the first part have hereunto set their hands and seals the
 day and year first above written -

Lewis Eckard

Melissa Eckard

Signed, Sealed and Delivered

in Presence of William D. Sullen, W. Persons -

State of Michigan } On this 3rd day of September in the year one thou
 County of Kewago } sand Eight hundred and Seventy one before me
 the undersigned, a Notary Public for said County, personally appeared
 Lewis Eckard and Melissa Eckard his wife to me known to be the same
 persons described in, and who executed the within instrument, who own-
 ally acknowledged the same to be their free act and deed; and the said
 Melissa Eckard wife of the said Lewis Eckard on a private examination
 by me, separately and apart from her said husband, acknowledged the
 she executed the same freely, and without any fear or compulsion from
 any one - W. D. Sullen, Notary Public for Kewago & Mich -

Henry Eckard's Wife
 To
 C.R. 17 S.E. RR 60

This deed was received for Record
 Nov 11th 1871 at 2 o'clock P.M.

W. Persons, Register.

This Indenture, made this fifth day of
 September A.D. 1871, Between Henry Eckard's wife, and her heirs
 of the Village of Kewago, in the County of Kewago and State of Michigan
 the first part, and the Grand Rapids, Kewago and Lake Shore Rail
 Road Co. of the second part, Witnesseth, that the said party of the first part
 in consideration of the sum of One Dollar, to them in hand paid, the receipt
 whereof is hereby acknowledged, do grant, bargain, sell and confirm unto the
 said party of the second part, and to their assigns, forever, A Right of Way
 in and over a certain strip of land, lying and being in the Village & County
 of Kewago and State of Michigan, being a strip one hundred feet wide
 lying fifty feet in width on each side of the Rail Road Company located here
 as now stakes out over & across the E of Lot Threes and Lots since set off
 Easterly end of Lot Four & all in Block Fourty according to the Plot of said
 Village of record in the Kewago County Register Office, reference being made
 for more certain description of said strip to the map of the route of said Com-
 pany, on file in the Office of Register of Deeds for the Counties of Twp. Kewago
 and Kewago respectively - For the said party of the second part, and the

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 FILED

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OFFICE OF POLICY & LEGISLATIVE AFFAIRS
 STATE BOUNDARY COMMISSION

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of deeds

Louis Eckhard & wife
L. R. N. C. S. R. R. Co

This Deed was received for Record
September 30th 1872 at 10 o'clock A. M.
W. Parsons, Register

This Indenture, Made this Twenty

seventh day of September AD 1872, Between Louis Eckhard and Melissa Eckhard
his wife of Township of Brooks in the County of Traverse and State of Michigan
the first part, and the Grand Rapids, Traverse and Lake Shore Rail
Road Co, of the second part, Witnesseth, That the said party of the first part
in consideration of the sum of One Dollar to them in hand paid, the receipt
whereof is hereby acknowledged, do grant, bargain, sell and confirm unto the
said party of the second part, and to their assigns Forever a Right of Way, in
and over a certain strip of land situated, lying and being in Traverse
County Michigan and being a strip one hundred feet wide, lying fifty feet
in width on each side of said Rail Road Company's location line as now or
hereafter set over and across Lot Five, in Thirty six 36 acres of from the west side of
Lot Eight (18) all in Section Twenty four (24), and Lot One (1) in Section Twenty
six (26) excepting that part of said lot named lot lying south of a line corner
running North (24) and south of the S. E. corner of Lot Two (2) from Section
N. R. Thirteen (13) West and running thence West to Muskegon River, all of
said described lands lying and being in Town Four (4) N. R. Thirteen (13) West,
reference being made for more certain description of said strip to the map of
the route of said Company, on file in the Office of Register of Deeds for the
County of Kent, Muskegon and Traverse respectively. For the said party
of the second part, and their assigns, and their servants and agents to
build construct and maintain a Railroad in and over said strip of land
and at all times freely to pass and re-pass by themselves, their servants, agents
and employes, with their engines, cars, horses, cattle, carts, wagons and other
vehicles, and to transport freight and passengers, and to do all other things
properly connected with or incident to the location, building, maintaining
and running the said road, and to use the earth and other materials
within said strip of land, for that purpose, To Have and To Hold the
said easement and privilege to the said party of the second part, and
to their assigns Forever— And the said party of the first part, for himself
and his heirs doth covenant and agree that he will warrant and defend
the above granted Right of Way in the peaceable and quiet possession & exercise
of the said second part and his assigns, Forever— The above grant is subject
nevertheless, to the condition that the said party of the second part shall
within and for its running over that portion of their Road which pass
es over the above mentioned strip of land, within One year from the
date of this Indenture, and on breach of such condition, the Right of Way
hereby granted shall cease, and thereafter be defeated and held for nothing.
In Witness Whereof, The said parties of the first part have hereunto set
their hands and seals the day and year first above written
Signed Sealed and Delivered in Presence of } Louis Eckhard
of William D. Fuller, Albert D. Standish } Melissa Eckhard
Tested Michigan } On this 27th day of September in the year one thousand eight
hundred and seventy two before me, the undersigned, a Notary Public
in and for the County of Emmet, appeared Louis Eckhard & Melissa Eckhard his wife to me
known to be the same persons described in and who executed the within foregoing instrument, who
personally appeared before me to be their free and lawful owners, and they acknowledged to me
that they executed the within foregoing instrument for the purposes and objects therein expressed
and acknowledged that they executed the same freely, voluntarily and without any fraud or
coercion from any one— (William D. Fuller, Notary Public, Traverse & Mich.

600
L. E.
L. M.
1872
500

DEPT. OF LABOR & ECONOMIC GROWTH
FILED

SEP 22 2006 06 AR 1

OFFICE OF POLICY & LEGISLATIVE AFFAIRS
STATE BOUNDARY COMMISSION

ANNEXATION BY COUNCIL RESOLUTION

PART IV

This legislative body of the City of Newaygo adopted the following resolution:

See Attached Resolution.

DEPT. OF LABOR & ECONOMIC GROWTH
FILED

SEP 22 2006 06 AR 1

OFFICE OF POLICY & LEGISLATIVE AFFAIRS
STATE BOUNDARY COMMISSION

CITY COUNCIL

CITY OF NEWAYGO

Newaygo County, Michigan

Council Member Fedell, supported by Council Member

Parsley

, moved the adoption of the following resolution:

RESOLUTION NO. 06-31

**A RESOLUTION APPROVING PETITION FOR ANNEXATION
OF CERTAIN MAIN STREET PROPERTY TO THE JURISDICTION OF THE CITY OF
NEWAYGO AND DIRECTING THE CITY MANAGER AND
CITY CLERK TO TAKE ALL NECESSARY ACTIONS TO COMPLETE
SAID ANNEXATION**

WHEREAS, Subsection 9(7) of Act No. 279 of the Public Acts of Michigan of 1909, as amended, provides a procedure for the annexation of property to a home rule city to be initiated by resolution of the city council of the city to which the property is to be annexed; and

WHEREAS, parcels of real property under the jurisdiction of Garfield Township are depicted on the attached Exhibit A (the "Main Street Property"); and

WHEREAS, the Main Street Property, located at the western terminus of Main Street in the City of Newaygo, is isolated from Garfield Township; and

WHEREAS, the Newaygo City Council finds that City is able to provide City water, sanitary sewer, police and other municipal services to the Main Street Property in an efficient manner; and

WHEREAS, annexation will facilitate development of and infrastructure improvements for the Main Street Property; and

**DEPT. OF LABOR & ECONOMIC GROWTH
FILED**

SEP 22 2006 06 AR 1

**OFFICE OF POLICY & LEGISLATIVE AFFAIRS
STATE BOUNDARY COMMISSION**

WHEREAS, efforts to enter into an agreement with Garfield Township pursuant to Act 425 of 1984 to conditionally transfer jurisdiction of the Main Street Property to the City have failed; and

WHEREAS, the City Council deems it to be appropriate and in the best interests of the community to submit a petition to the State Boundary Commission seeking to annex the Main Street Property.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The City Council is fully informed as to the nature and meaning of filing an annexation petition for the Main Street Property with the Boundary Commission.
2. The annexation requested by the Petition attached as Exhibit B is approved.
3. The City Manager and City Clerk, in cooperation with the City's legal counsel, Law, Weathers & Richardson, PC are authorized and directed to initiate the Petition on behalf of the City by filing the same with the State Boundary Commission and to take any and all actions required to complete the annexation.
4. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, are hereby rescinded.

YEAS: Armstrong, Bumstead, Day, Fedell, Palmiter, Parsley, Shick


NAYS: _____

ABSENT: _____

ABSTAIN: _____


RESOLUTION NO. 06-31 ADOPTED.

DEPT. OF LABOR & ECONOMIC GROWTH
FILED


Jon Schneider, Clerk

SEP 22 2006 06 AR 1

I certify that this is a true and accurate copy of a resolution adopted by the City Council of the City of Newaygo at a regular meeting of the City Council, held on September 11, 2006.


Jon Schneider, Clerk

DEPT. OF LABOR & ECONOMIC GROWTH
FILED

SEP 22 2006 06 AR 1

OFFICE OF POLICY & LEGISLATIVE AFFAIRS
STATE BOUNDARY COMMISSION

EXHIBIT A MAIN STREET PROPERTY

30635697/SA0062808

DEPT. OF LABOR & ECONOMIC GROWTH
FILED

SEP 22 2006 06 AR 1

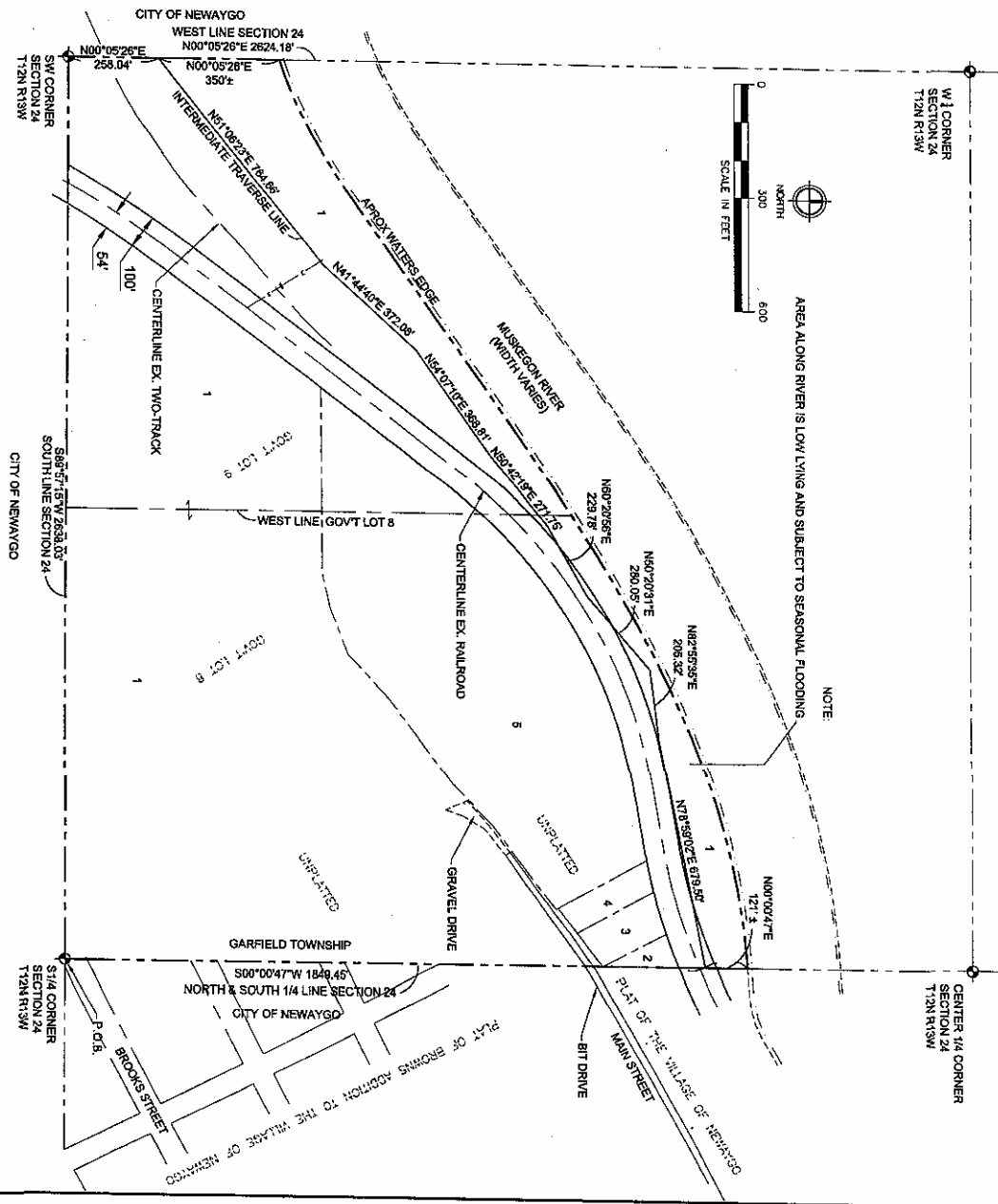
OFFICE OF POLICY & LEGISLATIVE AFFAIRS
STATE BOUNDARY COMMISSION

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 24, TOWN 12 NORTH, RANGE 13 WEST, GARFIELD TOWNSHIP, NEWAYGO COUNTY, MICHIGAN DESCRIBED AS FOLLOWS:
GOVERNMENT LOTS 8 AND 9.

#	PPN	LIBER	PAGE	ACREAGE
1	62-18-24-300-009	SERIES I	5032	51.4*
2	62-18-24-300-007	407	6197	0.24
3	62-18-24-300-009	384	3978	0.84
4	62-18-24-300-006	367	1691	0.55
5	62-18-24-300-010	365	6960	16.06
6	RAIL ROAD	13	245 & 431	7.01

* ACREAGE UP TO BUT NOT BEYOND INTERMEDIATE TRAVERSE LINE

FLEIS & VANDENBRINK ENGINEERING, INC.



SHEET 1 OF 1

CITY OF NEWAYGO
SECTION 24, TOWN 12 NORTH, RANGE 13 WEST
GARFIELD TOWNSHIP, NEWAYGO COUNTY, MICHIGAN
ANNEXATION MAP
GARFIELD TOWNSHIP
10/9/2005
30635697/SA0062808

**EXHIBIT B
ANNEXATION PETITION**

PART I

See attached Map

**DEPT. OF LABOR & ECONOMIC GROWTH
FILED**

SEP 22 2006 06 AR 1

**OFFICE OF POLICY & LEGISLATIVE AFFAIRS
STATE BOUNDARY COMMISSION**

PART I

DEPT. OF LABOR & ECONOMIC GROWTH
FILED

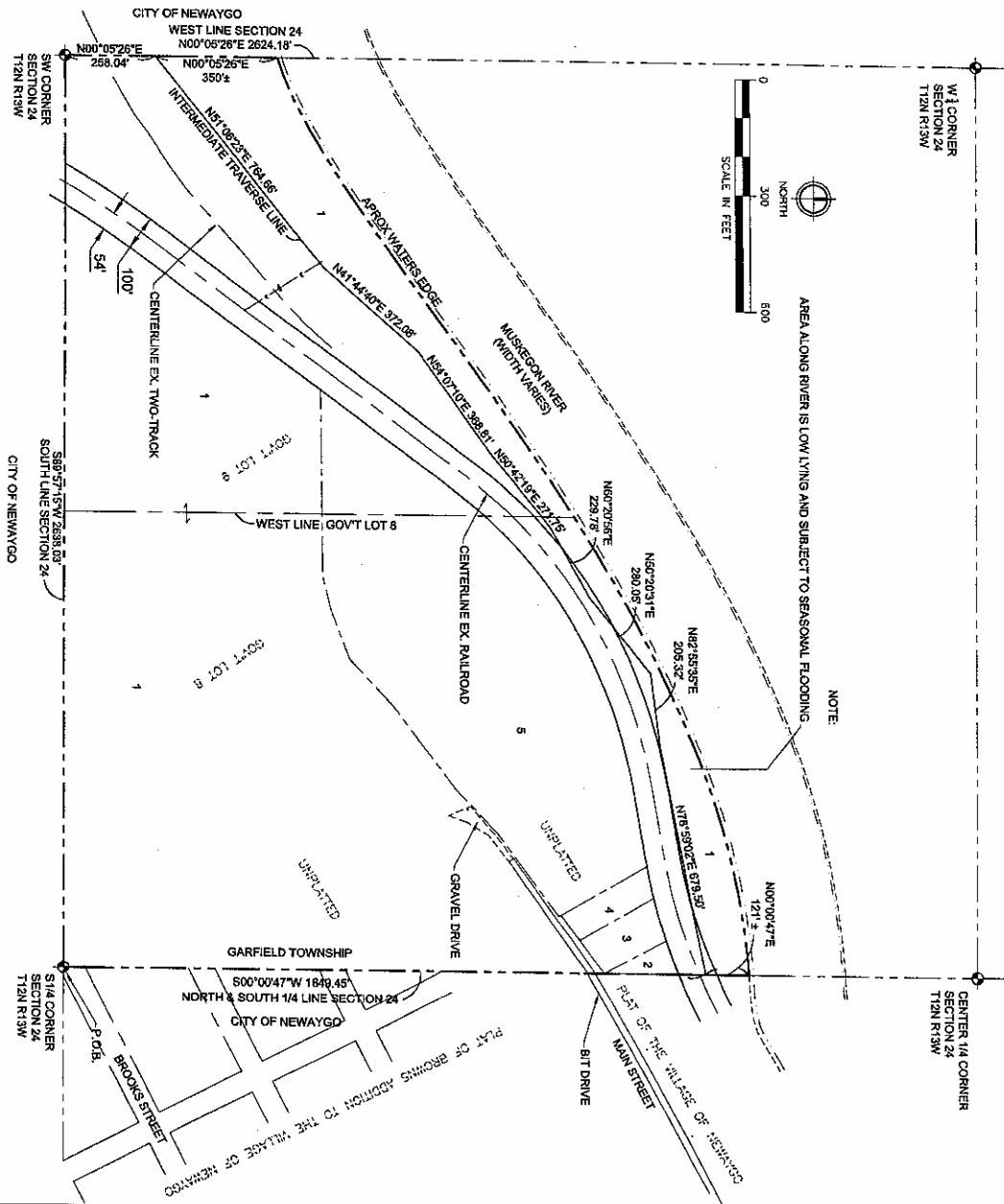
SEP 22 2006 06 AR 1

OFFICE OF POLICY & LEGISLATIVE AFFAIRS
STATE BOUNDARY COMMISSION

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 24, TOWN 12 NORTH, RANGE 13 WEST, GARFIELD TOWNSHIP, NEWAYGO COUNTY, MICHIGAN DESCRIBED AS FOLLOWS:
GOVERNMENT LOTS 8 AND 9.

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4	62-18-24-300-005	367	1691	0.55
5	62-18-24-300-010	385	6950	16.06
6	RAIL ROAD	13	245 & 431	7.01

* ACREAGE UP TO BUT NOT BEYOND INTERMEDIATE TRAVERSE LINE



FLEIS & VANDENBRINK ENGINEERING, INC.

6/8/2006

CITY OF NEWAYGO
SECTION 24, TOWN 12 NORTH, RANGE 13 WEST
GARFIELD TOWNSHIP, NEWAYGO COUNTY, MICHIGAN
ANNEXATION MAP
GARFIELD TOWNSHIP

306050newaygo 012

SHEET 1 OF 1

ANNEXATION BY COUNCIL RESOLUTION

PART II

To the State Boundary Commission:

We, the duly elected legislative body of the City of Newaygo, having passed a resolution (in PART IV) asking for the annexation of the territory described herein (in PART III), do petition that the described territory in Garfield Township, Newaygo County, be considered by your commission for annexation, in accordance with the provisions of Public Act 279 of 1909, as amended, and the provisions of Public Act 191 of 1968, as amended.

DEPT. OF LABOR & ECONOMIC GROWTH
FILED

SEP 22 2006 06 AR 1

OFFICE OF POLICY & LEGISLATIVE AFFAIRS
STATE BOUNDARY COMMISSION

ANNEXATION BY COUNCIL RESOLUTION

PART IIa

As petitioner, it is your responsibility to furnish the State Boundary Commission the names, addresses and telephone numbers of persons and governmental bodies that will be noticed for Commission meetings and hearings. The importance of accurate and current information cannot be overemphasized. Processing of this petition may be delayed if inaccuracies cause improper notice.

1.

Name of City: Newaygo	
Name of City Clerk: Jon Schneider	
Mailing Address: 28 N. State Rd., PO Box 308	
Newaygo, MI 49337-0308	
Telephone Number: (231) 652-1657	Fax: (231) 652-1650

2.

Name of Township: Garfield	
Name of Township Clerk: Arlene Grabill	
Mailing Address: 7190 Bingham Ave.	
Newaygo, MI 49337-9117	
Telephone Number: (231) 652-4251	Fax: (231) 652-4207

3.

Name of County: Newaygo	
Name of County Clerk: Laurel Breuker	
Mailing Address: 1087 Newell Street, PO Box 885	
White Cloud, MI 49349	
Telephone Number: (231) 689-7235	Fax: (231) 689-7241

4. If the petition should involve more than one township, county and/or village, place additional township, county and/or village information on separate sheet and attach to this form.

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FILED

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OFFICE OF POLICY & LEGISLATIVE AFFAIRS
STATE BOUNDARY COMMISSION

ANNEXATION BY COUNCIL RESOLUTION

PART III

The territory proposed for annexation to the City of Newaygo is described as follows:

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF
SECTION 24, TOWN 12 NORTH, RANGE 13 WEST, GARFIELD TOWNSHIP,
NEWAYGO COUNTY, MICHIGAN AND DESCRIBED AS FOLLOWS:

GOVERNMENT LOTS 8 AND 9.

DEPT. OF LABOR & ECONOMIC GROWTH
FILED

SEP 22 2006 06 AR 1

OFFICE OF POLICY & LEGISLATIVE AFFAIRS
STATE BOUNDARY COMMISSION

ANNEXATION BY COUNCIL RESOLUTION

PART IV

This legislative body of the City of Newaygo adopted the following resolution:

See Attached Resolution.

DEPT. OF LABOR & ECONOMIC GROWTH
FILED

SEP 22 2006 06 AR 1

OFFICE OF POLICY & LEGISLATIVE AFFAIRS
STATE BOUNDARY COMMISSION

ANNEXATION BY COUNCIL RESOLUTION

PART IVa

CERTIFICATION

The foregoing is a certified and true copy of a resolution passed by the legislative body of the City of Newaygo on September 11, 2006 by a vote of 7 yea to 0 nay.

Jon Schneider, Clerk
City Clerk or Deputy City Clerk (signature)
Jon Schneider
City Clerk or Deputy Clerk (print)

Sworn to and subscribed before me
this 12th day of September,
2006.

Kimberly M. Bugalle
Kimberly M. Bugalle
Notary Public, Newaygo County,
Michigan
Acting in Newaygo County, Michigan
My commission
expires: 11-9-08

DEPT. OF LABOR & ECONOMIC GROWTH
FILED

SEP 22 2006 06 AR 1

OFFICE OF POLICY & LEGISLATIVE AFFAIRS
STATE BOUNDARY COMMISSION

ANNEXATION BY COUNCIL RESOLUTION

PART V

We further represent that the annexation proposed in this petition is necessary or desirable at this time for the following reason(s):

The territory designated as the Main Street Property is surrounded by land under City jurisdiction and the Muskegon River. This territory is isolated from Garfield Township, and by road is accessible only via city streets. It is comprised primarily of large, unimproved tracts which are candidates for development as a mixed use commercial/residential project. The future development of the Main Street Property will benefit significantly from available City services, such as sanitary sewer, public water and police protection. Annexation will provide this territory with cost effective, practicable governmental services.

Efforts to enter into a 425 agreement with the Township for this territory have been unsuccessful.

315458.01

DEPT. OF LABOR & ECONOMIC GROWTH
FILED

SEP 22 2006 06 AR 1

OFFICE OF POLICY & LEGISLATIVE AFFAIRS
STATE BOUNDARY COMMISSION